

# SWIDLER BERLIN SHEREFF FRIEL

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WASHINGTON, DC 20007-5116  
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April 25, 2001

## VIA OVERNIGHT DELIVERY

Docket Control Center  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Arizona Corporation Commission  
**DOCKETED**

APR 26 2001

DOCKETED BY	<i>sd</i>
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Re: Docket No. T-03980A-01-0025: Proof of Publication for American Fiber Systems, Inc.

Dear Sir or Madam:

On behalf of American Fiber Systems, Inc. ("AFS"), enclosed for filing in the above referenced docket, please find an original and ten (10) copies of AFS' Notice of Filing of Affidavits of Publication together with copies of the affidavit of publication.

Please date stamp the enclosed extra copy of this application and return it in the self-addressed, postage-paid envelope provided. Should you have any questions concerning this filing, please do not hesitate to contact the undersigned at (202) 945-6923.

Respectfully submitted,

Ronald W. Del Sesto, Jr.

Counsel for American Fiber Systems, Inc.

Enclosures

cc: Bruce Frankiewicz (AFS)  
Robert Ridings

BEFORE THE ARIZONA CORPORATION COMMISSION

CARL J. KUNASEK  
CHAIRMAN

JAMES M. IRVIN  
COMMISSIONER

WILLIAM A. MUNDELL  
COMMISSIONER

IN THE MATTER OF THE APPLICATION  
AND PETITION OF AMERICAN  
FIBER SYSTEMS, INC.  
TO PROVIDE COMPETITIVE  
INTRASTATE TELECOMMUNICATIONS  
SERVICES IN ARIZONA


Docket No. T-03980A-01-0025

**NOTICE OF FILING  
AFFIDAVITS OF PUBLICATIONS**

American Fiber Systems, Inc. ("AFS") hereby submits copies of the affidavits of publication for the Arizona Republic in verification that AFS' public notice in this matter was published in this newspaper on the date specified.

RESPECTFULLY SUBMITTED this 25<sup>th</sup> day of April, 2001.

American Fibers Systems, Inc.

By: 

Name: Gita Ramachandran

Title: Chief Financial Officer

Address: 100 Meridian Centre, Suite 250

Rochester, New York 14618

**THIS FORM IS TO BE COMPLETED BY THE COMPANY. ATTACH THE AFFIDAVITS OF PUBLICATION FROM THE NEWSPAPERS TO THIS FORM. FILE THE ORIGINAL AND TEN COPIES OF THIS FORM AND ITS ATTACHMENTS WITH THE COMMISSION'S DOCKET CONTROL CENTER.**

NOTICE OF APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO  
PROVIDE COMPETITIVE FACILITIES-BASED AND RESOLD LOCAL EXCHANGE,  
INTEREXCHANGE AND EXCHANGE ACCESS TELECOMMUNICATIONS SERVICES  
BY AMERICAN FIBER SYSTEMS, INC.

American Fiber Systems, Inc. ("Applicant") has filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide competitive facilities-based and resold local exchange, interexchange and exchange access telecommunications services in the State of Arizona. Applicant will be required by the Commission to provide this service under the rates and charges and terms and conditions established by the Commission.

The application, report of the Commission's Utilities Division Staff, and any written exceptions to the staff report prepared by the applicant are available for inspection during regular business hours at the offices of the Commission located at the 1200 West Washington Street, Phoenix, Arizona 85007, and at American Fiber Systems, Inc., 100 Meridian Centre, Suite 250, Rochester, New York 14618.

Under appropriate circumstances, interested parties may intervene in the proceedings and participate as a party. You may have the right to intervene in the proceeding, or you may make a statement for the record. Intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **June 6, 2001 by 12 noon**. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to the Company or its counsel and to all parties of record, and which at the minimum, shall contain the following:

1. The name, address and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, a competitor, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

A.A.C. R14-3-105 shall govern the granting of motions to intervene. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and making a statement on their own behalf. The hearing is scheduled to commence on **June 20, 2001 at 10:00 a.m.** at the Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007. Please check with the Commission for any changes to the scheduled hearing date.

If you have any comments, mail them to:

The Arizona Corporation Commission  
Attention Docket Control  
Re: American Fiber Systems, Inc.  
T-03980A-01-0025  
1200 West Washington Street  
Phoenix, Arizona 85007

All written comments should be received by June 20, 2001.

If you have any questions about this application, or want information on intervention, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodations such as sign language interpreter, as well as request this document in an alternative format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-3931, E-Mail [shood@cc.state.az.us](mailto:shood@cc.state.az.us). Requests should be made as early as possible to allow time to arrange the accommodation.

**NOTICE OF APPLICATION  
FOR A CERTIFICATE OF  
CONVENIENCE AND  
NECESSITY TO PROVIDE  
COMPETITIVE FACILITIES-  
BASED AND RESOLD  
LOCAL EXCHANGE  
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If you have any comments, mail them to:

The Arizona Corporation Commission  
Attention: Pickett Control  
Re: American Fiber Systems, Inc. 10980-A-0025  
1200 West Washington Street  
Phoenix, Arizona 85007

All written comments should be received by June 20, 2001.

If you have any questions about this application, or want information on intervention, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-722-7000.

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01279-April 17, 2001

# THE ARIZONA REPUBLIC

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS.

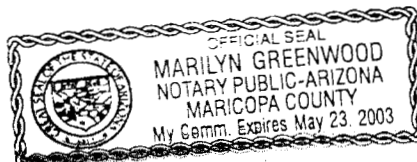
TOM BIANCO, being first duly sworn, upon oath deposes and says: That he is the legal advertising manager of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates as indicated.

The Arizona Republic

April 17, 2001

*[Signature]*

Sworn to before me this  
18<sup>TH</sup> day of  
April A.D. 2001



*[Signature]*  
Notary Public

# THE ARIZONA REPUBLIC

**The Arizona Republic - Arizona Business Gazette**

# Advertising Invoice

SWIDLER BERLIN/R. MENASSIE  
300 K STREET NW  
STE 300  
WASHINGTON, DC US 20007

### Make Checks Payable To

The Arizona Republic  
PO Box 300  
Customer Accounting Services  
Phoenix, AZ 85001-0300

**For Billing Info**

In Phoenix call  
Out of Phoenix call

**602 444-8561**  
**800 331-9304**

YARGA20007000

**Please Pay This Amount**

**\$ 1,549.47**

**DUE UPON RECEIPT**

**Account Number**

4247500SWI

**Invoice #**

S04166946406

**Statement Date**

04/17/01

## AD CHARGES

<u>Pub Date</u>	<u>Description</u>	<u>Class Category</u>	<u>Class</u>	<u>Units</u>	<u>Times Run</u>	<u>Billed Units</u>	<u>Rate</u>	<u>Amount</u>
	<b>01279-AMERICAN FIBER SYSTEMS,</b>			Lines				
04/17	Republic & Gazette - Daily Online Posting	Classified Dail	8950	137.00	1 1	137	11.31	1,549.47 0.00
							<b>Total Invoice Charges</b>	1,549.47
							<b>Total Amount Due</b>	1,549.47

**PLEASE DEDUCT YOUR PRE-PAYMENT  
FROM THIS INVOICE BEFORE YOU PAY IT.**

If you overpaid, a refund will be sent automatically.  
THANK YOU FOR YOUR PATIENCE

**YOU HAVE PRE-PAID \$**

**TO ENSURE PROPER CREDIT RETURN BOTTOM PORTION OF THIS BILL WITH YOUR PAYMENT**

<b>Customer Name</b>
SWIDLER BERLIN/R. MENASSIE

<b>Statement Date</b>
04/17/01

<b>Statement #</b>
4381292

<b>Account Number</b>
4247500SWI

### **Credit Card Payment Options**

Credit Card Number    ☐ MasterCard    ☐ Visa    ☐ Discover

[illegible]

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Signature: \_\_\_\_\_

Exp Date (mm-yy)

### **Make Checks Payable To**

The Arizona Republic  
Customer Accounting Services  
PO Box 300  
Phoenix, AZ 85001-0300

**DUE UPON RECEIPT**

**Amount Due**

\$ 1,549.47

2000000000000041669464060000042475000001549478